

Criminal History Records Working Group Meeting

Date of Meeting: April 18, 2013

Attendees: Chairman Major James Eickhoff, Wyandotte County Sheriff's Office
Arlene Frederiksen, Salina Police Department
Dave Dunstan, Saline County Sheriff's Office
Leslie Moore, KBI – Information Services Division Director
Patrick Vogelsberg, KCDA
Shane Hoobler, Shawnee County Sheriff's Office
Sheri Sharp, KBI – Records Field Support
Rebecca Spielman, Shawnee County Sheriff's Office

Phone Attendees
None

Additional Attendees: Kirk Thompson, KBI – Director

The meeting began at 2:02pm.

Prior meeting notes

Meeting notes were approved.

Updates from prior meeting

There were no updates from the prior meeting.

Training

Arlene Frederickson asked Sheri Sharp if she could set up training with Maggie Arias at Salina Municipal Court or the city prosecutor regarding transaction numbers. Sheri explained that she wrote a letter for the KCJIS Newsletter regarding transaction numbers, but has not set up a training. Sher explained

Working Group By-Laws (*attached*)

New by-laws will keep the group on target.

- Open Meeting – May not be following open meeting rules
- Disconnected with representative and home agency. Representative may be giving personal opinions, not agency opinion.
- Compliance with COMA – Roberts Rule of Order
- Send notices to core organization
- KBI – post meeting notes on website, push out agenda, administrative of working group
- Establish core group of organizations – organizations will appoint appropriate representative. Want someone that is interested and will give valuable input. Don't burden people to be members.
- Get feedback of core members to Chairman Eickhoff or Leslie Moore.
- If public attends meeting and information discussed causes a security risk then can go into executive session.

Proper Statutes

Arlene Frederickson has concerns regarding the statute file. Salina Police Department uses New World and it is loaded with the same statutes as the KBI statute file; however, some statutes have two law keys and they are unsure which law key to use. Leslie Moore explained to Arlene that the law keys have different enactment and repeal dates. Leslie explained that they should use the law key that is appropriate for when the crime was committed.

Final Disposition Reports

Major Eickhoff said the Kansas City, Kansas area has gone electronic with tickets, but 30,000 are still in backlog.

Update on RAPID

KBI and vendor finished requirements portion of electronic disposition reporting. The vendor is currently building the data entry form and the documentation for the prosecutors and courts to electronically connect to the repository. The documentation will be completed in the 3rd quarter to give to prosecutors and courts. Leslie will ask the vendor if they can show the working group the data entry form at the next working group meeting.

Legislation Update

HB 2041

- Section 1 strikes “class A and B misdemeanors” and adds the word “offenses”. This will allow the municipal courts to report all offenses to the central repository like the district courts.
- Section 2 adds a subsection excluding the information regarding the release of defendants from confinement by the department of corrections or jail from CHRI.
- Section 3 extends the requirement for district courts to report dispositions electronically for DUI related crimes to the KBI until 07/01/14. It also extends the requirement for the KBI to create rules and regs for district courts to report electronically until 07/01/13.

Other bills of interest to CHRI:

- HB 2034 creates a new crime for human trafficking.
- HB 2044 creates a new crime when a person commits distribution and cultivation of controlled substance and death or serious bodily injury results.
- SB 20 creates a crime for failing to pay the registration fee when registering as an offender.
- HB 2052 creates a new crime for discharging a firearm in the city limits.

Major Eickhoff asked if there were any bills that were in session this year to recodify all the traffic statutes. Leslie Moore said she didn't know of any such bills.

The next meeting will be July 18th at 2:00pm at KBI Headquarters.

If you have any ideas for agenda items for the next meeting please email James Eickhoff at JEickhoff@wycosheriff.org.

The meeting ended at 2:30pm.

Kansas Criminal History Record Information Working Group

Proposal for Reorganization

April 18, 2013

1. Reconstitute the advisory group known as the Kansas Criminal History Record Information Working Group (CHRIWG) to be consistent in structure and purpose with other KBI working/advisory groups.
2. Develop and adopt a CHRIWG Mission Statement:
 - a. The mission of the Kansas Criminal History Record Information Working Group is to bring interested entities and disciplines together in an open forum to address and improve the management of the Criminal History Records Program in Kansas by reviewing and making recommendations related to legislation, accurate and timely reporting of arrests, dispositions and confinements and supporting the overall improvement of the administration of justice in this state.
3. Develop and adopt By-Laws to reflect procedures proposed in this document.
 - a. The CHRIWG is an advisory body and communication forum. The CHRIWG does not exist as a legal entity nor does it have any legal authority.
4. Reconstitute the “Core” Membership of CHRIWG – to reflect core organizations and core members that are representative of CHRI users/submitters. (Examples below)
 - a. Kansas Bureau of Investigation (KBI) – four members
 - i. Information Services Division (ISD) Director
 - ii. Records Unit Manager
 - iii. Identification Unit Manager
 - iv. Information Services Division legal counsel
 - b. Kansas Sheriff’s Association (KSA) – designate three core organizations
 - i. Large Department
 - ii. Medium Sized Department
 - iii. Small Department
 - c. Kansas Association of Chief’s of Police (KACP) – designate three core organizations
 - i. Large Department
 - ii. Medium Sized Department
 - iii. Small Department
 - d. Kansas Department of Corrections (KDOC) – one member
 - e. Kansas Juvenile Justice Authority (KJJA) or KDOC Juvenile Division – one member
 - f. Kansas Association of County and District Attorneys Association (KCDA) – one member
 - g. Municipal Prosecutor – one member
 - h. Kansas Municipal Court Clerks – one member
 - i. Municipal Court Judge – one member
 - j. Kansas Office of Judicial Administration (OJA) – two members
 - i. District Court Judge
 - ii. Court Services

- k. Kansas Sentencing Commission (KSC)
 - l. Others at the recommendation of the WG
- 5. Core Organizations
 - a. Designate core members
 - b. May designate an alternate core member in the event the primary core member is unable to attend a scheduled meeting.
 - c. Have complete discretion as to their representative (core member and designee) and their length of term.
- 6. Core members
 - a. Will serve as subject matter experts on matters relating to the Kansas Criminal History Records System.
 - b. Will be designated by the core organizations listed above.
 - c. Will be charged with representing the interests of the core organizations.
 - d. Will be charged with maintaining communication with the core organization regarding the activities and proposals of the CHRIWG.
 - e. Will be subject to participation (appointment and removal) in the CHRIWG at the discretion of the CEO of the core organization.
- 7. Kansas Bureau of Investigation – Responsibilities
 - a. Identify and appoint core agencies.
 - b. Serve as the coordinating entity / organize meetings at the direction of the Chair.
 - c. Take meeting minutes.
 - d. Send and post CHRIWG meeting notices, agenda's and meeting minutes, a week in advance, to all core members and to the CEO of all core organizations, at the direction of the Chair.
 - e. Assure compliance with Kansas Open Meetings Act requirements.
 - f. Retain record of any CHRIWG proposals and the disposition of such (minutes).
 - g. Maintain an up-to-date CHRIWG location on the KCJIS Website and KBI Public Website.
- 8. CHRIWG - Participation
 - a. Any person / agency / agency representative with interest may attend meetings and request to be placed on the meeting notification list.
 - b. Any attendee may participate in the discussions of the CHRIWG consistent with the provisions of Roberts Rules of Order and the direction of the CHRIWG Chairperson.
- 9. CHRIWG – Recommendations / Proposals / Operations
 - a. The core membership, during the September meeting of the CHRIWG, shall elect a chairperson and vice chairperson for the CHRIWG for the following year. The chairperson shall organize and lead the meetings, set the meeting agenda and set the day and times for meetings. The vice chairperson shall serve in the capacity of the Chairperson in their absence. There shall be a term limit of two years for the chairman and vice chairman.
 - b. Any proposed recommendation of the group shall be noted in the minutes and shall be voted on by a quorum of the core members. A record of the vote shall be maintained. Roberts Rules of order shall be followed.

- c. (TBD – based upon membership) of the core membership shall constitute a quorum.
 - d. A proposal may be advanced for further consideration by a two-thirds vote of a quorum.
 - e. If in the opinion of the chairman significant substantive disagreement exists as to a proposed recommendation, they may authorize a minority report that will be attached to the proposal.
 - f. The CHRIWG shall not propose any legislative action or changes to existing law directly to a legislative body or individual member of either chamber.
 - g. The recommendations of the CHRIWG shall be shared in a timely fashion with the legislative liaison, legislative committee and the CEO of all core organizations.
 - h. The decision to pursue legislative action recommended by the CHRIWG will be made jointly by the leadership of the core organizations after fully vetting any such proposal with the remainder of the group. Pursuit of legislative action shall then fall to one of the core organizations.
 - i. It is expected that core organizations/core members may on occasion have opposing views on certain matters related to the act. The CHRIWG and this process are meant to facilitate discussion and seek consensus on those matters where consensus is possible.
- The CHRIWG does not assume any further responsibility or authority.

Nothing in this document is meant to restrict any core member/core organization from unilaterally pursuing legislative action that they believe is in the best interest of their respective organization or entity.